

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:05CR282
Plaintiff,)
v.) ORDER
WILLIAM SCHWENING,)
RUSSELL HOFFMANN,)
Defendants.)

This matter is before the court on the government's motion for reconsideration. Filing No. 42. The government asks this court to reconsider its Order, Filing No. 40, because the court ruled prior to response time for the government to file a brief. See NECrimR 12.3(c)(1). The government wishes to have its brief considered with respect to defendants' motion to dismiss or in the alternative for a bill of particulars, Filing No. 33. After reviewing the circumstances, the court agrees with the government. Accordingly, the court will withdraw its Order granting the bill of particulars, Filing No. 40, and will order the magistrate to consider Filing No. 33.

THEREFORE, IT IS ORDERED:

1. The government's motion for reconsideration, Filing No. 42, is granted;
2. The court's Order dated January 6, 2006, Filing No. 40, is withdrawn; and
3. The motion to dismiss, or in the alternative for a bill of particulars, is referred to the magistrate.

DATED this 12th day of January, 2006.

BY THE COURT:

s/Joseph F. Bataillon
JOSEPH F. BATAILLON
UNITED STATES DISTRICT JUDGE